

REMARKS

Claims 1-2, and 4-37 are presently pending. Claims 3 and 38-63 have been canceled without prejudice. Reconsideration and continued examination are respectfully requested.

Independent claims 1 and 22, among other claims, were rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,758,259 ("Lawler"). Assignee respectfully contends that Lawler does not explicitly or inherently anticipate the pending claims.

With regard to the anticipation rejections, MPEP 2131 states, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP 2131 also states, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Examiner has indicated that "Examiner agrees with applicant's arguments that Lawler makes no explicit references to selecting bandwidth. However, based on the broadest interpretation of the claim in light of the specification, 'an associated requested corresponding bandwidth to each of the pluralities of STBs' can be interpreted broadly as 'an associated requested multimedia channel with corresponding bandwidth to each of the pluralities of STBs'".

Accordingly, Assignee has amended claim 1 to recite, among other limitations, "a distribution unit, wherein the distribution unit is adapted to independently transmit on-demand a requested multimedia channel and an associated requested corresponding bandwidth to each of the plurality of STBs, wherein the associated requested corresponding bandwidth is requested from each of the plurality of STBs". Claim 22 is amended to recite, among other limitations, "a transmitter for transmitting channel requests and corresponding bandwidth requests from the STB to the multimedia distribution network". It is respectfully submitted that Claims 1 and 22 as now amended distinguish the pending invention from Lawler, in accordance with Examiner's suggestion to "further distinguish language of limitations" in the Final Office Action at 2.

In general, the Office Action makes various statements regarding the claims and the cited references that are now moot in light of the above. Thus, Assignee will not address such statements at the present time. However, Assignee expressly reserves the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

For at least the foregoing reasons, the pending claims are in a condition for allowance. Examiner is requested to enter the amendments and pass this case to issuance.

The Commissioner is authorized to charge any additional necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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